

Was 20% on Aug 92 and it couldn't go back any further  
OSS taken J back to August '92 when they stated  
he was 35% backdated

Jim saying onset

max was 1989

20% (as opposed to MMT's 20% finding)  
If Jim was 35% at 92 then obviously he had  
disease prior to then and back to his original  
date of 89. Anything else is not possible.

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Pain in chest 85 > heart pains  
nervous disability

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24/3/92 to 23.4.93 35%  
24.4.93 to 97 50%

looking for either procedural factor — to get tribunal decision set aside.

The aggravation was NOT unforeseen by ~~the~~ victim. This is why he has fought for reassessment. He new his condition had deteriorated. He argued that only a CT scan would determine his true condition.

Asbestosis is a progressive lung condition. By its very nature aggravation is foreseen; it is a matter of time.

~~He~~ We argue that a CT scan was a necessary and decisive factor in the ~~procedure~~ victim's appeal.

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② looking for point of Law outside of natural justice if possible. How

can victim be 20% for 3 years and 35% for six months? Surely by his ~~state of deterioration~~ nature of the disease ie progressive

WGD BOTH NOV

letter to Fleming Reid, to clarify position  
on wage loss, (no time bar, no diagnosis)

until 1990 - tried onset 5/5/89

New Kerr report on CT <sup>(50%)</sup> indicates on balance  
of probability that the earlier /82) was  
osteosis-linked

Council didn't explain etc

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